

REMARKS

In the Office Action dated April 8, 2008, claims 17, 20, and 25 were rejected under 35 U.S.C. § 112, ¶ 1; claim 24 was rejected under 35 U.S.C. § 112, ¶ 2; claims 1-3, 5, 8, 21, and 24 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,532,535 (Maffezzoni); claims 4, 7, 9-12, 14, 15, 17, 18, 20, and 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over Maffezzoni; claims 6 and 13 were rejected under 35 U.S.C. § 103(a) as unpatentable over Maffezzoni in view of U.S. Patent Publication No. 2002/0124124 (Matsumoto); and claims 22 and 23 were rejected under 35 U.S.C. § 103(a) as unpatentable over Maffezzoni in view of JP 02002149315 (Seki).

REJECTION UNDER 35 U.S.C. § 112, ¶ 1

Claim 17 was rejected as purportedly lacking written description support for the following claim element: “receiving a second indication of activation of the button in the graphical user interface.” The Office Action argued that ¶¶ [0044], [0047], and [0048] of the Specification do not disclose “a second indication of activation of the button.”

Applicant respectfully disagrees.

The “button” of claim 17 is supported at least by the “Status” button 395 in Fig. 3 of the Specification. Also, since ¶ [0044] of the Specification notes that the Status button 395 when selected causes the display of the “current” status (drive information 393) of the data access drives, then a second indication of activation of the button in the graphical user interface would cause updated drive information to be output. A discussion of the update of the drive information is provided in ¶¶ [0047]-[0048].

Displaying the “current” status of data access drives means that the user would have to re-select the “Status” button 395 again. Otherwise, the user would not be able to cause display of the “current” status of the data access drives. Re-selection of the button 395 would cause the “second indication” of activation of the button to be received. Therefore, it is respectfully submitted that written description support clearly exists for the subject matter of claim 17.

Claim 20 is similarly supported by the Specification.

Withdrawal of the § 112, ¶ 1 rejection is therefore respectfully requested.

Appln. Serial No. 10/723,037
Amendment Dated October 9, 2008
Supplemental Reply to Office Action Mailed April 8, 2008

REJECTION UNDER 35 U.S.C. § 112, ¶ 2

Claim 24 has been amended to address the § 112, ¶ 2 rejection.

REJECTIONS UNDER 35 U.S.C. §§ 102 AND 103

It is respectfully submitted that independent claim 1 is not anticipated by Maffezzoni. Claim 1 recites computer-readable program code provided in computer-readable storage at the data access drive, where the computer-readable program code is for generating drive information and user interface rendering data, and where the drive information comprises a status of the data access drive and an operating speed of the data access drive. Moreover, claim 1 recites a user interface module that outputs the drive information via a user interface in accordance with the user interface rendering data.

Maffezzoni describes an intelligent backup system that includes a host computer 102 and a peripheral storage device 104 that is able to receive a media cartridge 108. *See* Maffezzoni, Fig. 1A. To provide the intelligent backup system, Genesis software components are loaded into the host computer. Maffezzoni, 16:60-62 (“During this start up phase, the host computer system loads the Genesis application.”); 42:7-43 (referring to installation of Genesis software in the host computer system). A Genesis preparation wizard, which is part of the Genesis software installed in the host computer, is able to prepare a cartridge 108 in the peripheral storage device 104 to enable the backup system. *Id.*, 10:3-9. Preparation of the cartridge 108 to become Genesis enabled involves writing a Genesis signature ID to the cartridge 108. *Id.*, 14:34-40. In this way, a user can select data from the host computer system to copy as backup data to the peripheral storage device 104. *Id.*, 11:19-22. In response to a system error, the host computer BIOS will inform the user that an error has occurred, and a SpareTire wizard graphical user interface 353 will then be launched, as depicted in Fig. 6B of Maffezzoni. *Id.*, 41:58-62.

The Office Action identified column 14, lines 37-41, of Maffezzoni as disclosing the “computer-readable storage at the data access drive” recited in claim 1. This passage of Maffezzoni refers to preparing the peripheral storage device 104 to be a Genesis-enabled system, where the preparation includes partitioning the media of the peripheral storage device, formatting the partitions, and writing the Genesis signature ID to the media. However, note that the Genesis software itself is not provided on the media of the peripheral storage device 104, since the Genesis software is already installed at the host computer and in fact is what is used for preparing the peripheral storage device to become a Genesis-enabled system. Thus, to the extent

the Office Action is arguing that the Genesis software is provided on the peripheral storage media, such assertion is incorrect.

Thus, the SpareTire wizard depicted in Fig. 6B, which is part of the Genesis software, is a wizard presented by the host computer based on software that is already installed at the host computer, and not based on “computer-readable program code provided in computer-readable storage at the data access drive,” which was equated by the Office Action with the peripheral storage media (e.g., 108) in Fig. 1A of Maffezzoni.

Moreover, as conceded by the Office Action, Maffezzoni fails to disclose or hint that the drive information generated by the computer-readable program code and outputted via a user interface in accordance with the user interface rendering data comprises a status of the data access drive and an operating speed of the data access drive. 4/8/2008 Office Action at 21. Instead, the Office Action had cited Seki as disclosing the claim feature missing from Maffezzoni. Seki refers to providing a method or system to improve input accuracy for character recognition. The information displayed in the context of improving accuracy of character recognition includes error rate and character input speed, which is displayed for improving the efficiency and accuracy of individual workers. *See* Seki, Abstract. There is absolutely no teaching or hint in Seki of generating drive information that comprises a **status of the data access drive and operating speed of the data access drive**.

Therefore, in view of the erroneous application of Maffezzoni and Seki to the claim elements, it is respectfully submitted that claim 1 is non-obvious over the references. In other words, even if Maffezzoni and Seki could be hypothetically combined, the hypothetical combination of references would not have led to the claimed subject matter in view of the shortcomings of Maffezzoni and Seki identified above.

Amended independent claims 11 and 18 are also similarly allowable over the cited references.

Dependent claims are allowable for at least the same reasons as corresponding independent claims.

In view of the allowability of base claims, the obviousness rejections of dependent claims have also been overcome.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (200312050-1).

Respectfully submitted,



Date: Oct 7, 2008

Dan C. Hu
Registration No. 40,025
TROP, PRUNER & HU, P.C.
1616 South Voss Road, Suite 750
Houston, TX 77057-2631
Telephone: (713) 468-8880
Facsimile: (713) 468-8883